

EXHIBIT 33

1
2 UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK
4 -----x
5 CORNELL HOLDEN, MIGUEL MEJIA, and
6 JEFFREY K. REED, on behalf of
7 themselves and others similarly situated,
8 Plaintiffs,
9 -against- 1:17-cv-02192-JGK-RL
10 THE PORT AUTHORITY OF NEW YORK AND
11 NEW JERSEY; THE PORT AUTHORITY POLICE
12 DEPARTMENT; and MICHAEL OPROMALLA,
13 SHAUN KEHOE, JOHN TONE, JORDAN ESPOSITO,
14 MICHAEL DEMARTINO, RICHARD AYLMER and
15 OFFICERS JOHN DOE 1-100, sued in their
16 individual capacities as officers of
17 the Port Authority Police Department,
18
19 Defendants.

20 -----x

21 April 29, 2019
22 10:16 a.m.

23 Videotaped Deposition of MICHAEL R.
24 COAN, taken by Plaintiffs, pursuant to
25 Notice, at the offices of Winston &
Strawn LLP, 200 Park Avenue, New York,
New York, before ERIC J. FINZ, a
Shorthand Reporter and Notary Public
within and for the State of New York.

<p style="text-align: right;">Page 2</p> <p>1 2 APPEARANCES: 3 WINSTON & STRAWN LLP Attorneys for Plaintiffs 4 200 Park Avenue New York, New York 10166 5 BY: DANIEL R. McNEELY, ESQ. (dmcneely@winston.com) 6 -AND- 7 8 LEGAL AID SOCIETY 199 Water Street 9 New York, New York 10038 10 BY: CYNTHIA CONTI-COOK, ESQ. (cconti-cook@legal-aid.org) 11 12 THE PORT AUTHORITY OF NEW YORK AND 13 NEW JERSEY Attorneys for Defendants 14 150 Greenwich Street New York, New York 10006 15 BY: KATHLEEN GILL MILLER, ESQ. 16 ANDRES J. CASTILLO, ESQ. 17 18 ALSO PRESENT: 19 20 BENJAMIN RUTKIN-BECKER 21 HOWARD BRODSKY, Videographer 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 MICHAEL R. COAN 2 THE VIDEOGRAPHER: Good 3 morning. Here begins the video 4 recorded deposition of Mr. Michael 5 R. Coan, taken by the plaintiffs, 6 in the matter of Cornell Holden, et 7 al., plaintiffs, versus The Port 8 Authority of New York and New 9 Jersey, et al., defendants, Index 10 No. 1:17 2192-JGK-RL, in the United 11 States District Court, for the 12 Southern District of New York. 13 This deposition is proceeding 14 at Winston & Strawn LLP, 200 Park 15 Avenue, New York, New York 10166, 16 on Monday, April 29, 2019, at 17 approximately 10:17. 18 My name is Howard Brodsky, and 19 I am the legal video specialist in 20 association with Veritext Legal 21 Solutions, with offices located in 22 New York, New York. The court 23 reporter is Eric Finz, in 24 association with Veritext. 25 Will counsel please state</p>
<p style="text-align: right;">Page 3</p> <p>1 2 IT IS HEREBY STIPULATED AND 3 AGREED by and between the attorneys for 4 the respective parties herein that filing 5 and sealing be and the same are hereby 6 waived. 7 IT IS FURTHER STIPULATED AND 8 AGREED that all objections, except as to 9 the form of the question, shall be 10 reserved to the time of the trial. 11 IT IS FURTHER STIPULATED AND 12 AGREED that the within deposition may be 13 signed and sworn to before any officer 14 authorized to administer an oath with the 15 same force and effect as if signed and 16 sworn to before the Court. 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 MICHAEL R. COAN 2 their appearances for the record. 3 MS. CONTI-COOK: Good morning. 4 My name is Cynthia Conti-Cook with 5 the Legal Aid Society representing 6 the plaintiffs. 7 MR. RUTKIN-BECKER: Benjamin 8 Rutkin-Becker with the Legal Aid 9 Society. 10 MR. McNEELY: Daniel McNeely 11 of Winston & Strawn representing 12 plaintiffs. 13 MS. MILLER: Kathleen Miller, 14 Port Authority of New York and New 15 Jersey. 16 MR. CASTILLO: Andres Castillo 17 of The Port Authority of New York 18 and New Jersey. 19 THE VIDEOGRAPHER: Thank you. 20 Will the court reporter please 21 swear in the witness. 22 MICHAEL R. COAN, 23 having been first duly sworn by the 24 Notary Public (Eric J. Finz), was 25 examined and testified as follows:</p>

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1 MICHAEL R. COAN
2 came to my conclusion.
3 Q. Do you know the outcome of
4 that trial that he testified was?
5 A. I do believe Mejia was
6 acquitted, I believe.
7 Q. That's right.
8 You mentioned that your
9 experience in policing transit facility
10 bathrooms and what happens in the men's
11 rooms also informs your belief that the
12 officers were more credible than
13 Mr. Holden. Can you explain that?
14 A. I'm familiar that in a
15 transportation facility there's numerous
16 areas where people come and go.
17 Thousands and thousands of people use the
18 public bathrooms on a daily basis. And
19 when I first came to the MTA I was
20 surprised at the number of incidents that
21 happened in and around the bathrooms.
22 But after I was there a while,
23 I realized it's really a point, a
24 location where -- it's a destination for
25 a lot of people. And the issues of

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2 violations to criminal activity to lost
3 property to forgotten property to damage
4 to property. So the knowledge, I just
5 knew that bathrooms are a place where law
6 enforcement has to police and be aware
7 of.
8 Q. How does that make the
9 officers more credible than Mr. Holden?
10 A. Well, it's certainly, in
11 policing, I would want my officers, just
12 as these officers did, to go in there.
13 The credibility aspect comes in, they are
14 trained, they observe a crime, they have
15 probable cause, they make the arrest,
16 they swear to an affidavit that what
17 they've observed and what they saw, they
18 take an oath as police officers to
19 enforce the law. And I believe in this
20 circumstance, that that's what they did
21 and that they were credible and that they
22 were telling the truth.
23 Q. Did you find Mr. Holden
24 specifically incredible for any reason?
25 A. Incredible for any reason?

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1 MICHAEL R. COAN
2 Q. Um-hum.
3 MS. MILLER: Objection.
4 You may answer.
5 A. I saw that he didn't admit
6 what he did. I believe he committed the
7 acts which were stated by the officer
8 that he committed. I did not find his
9 denial credible.
10 Q. Why not?
11 MS. MILLER: Objection.
12 You may answer.
13 A. I saw no reason why the
14 officer would make up a lie about this
15 individual committing that act.
16 Q. Right.
17 But what about Mr. Holden
18 specifically was not believable?
19 A. I just did not find his denial
20 credible. I didn't find the aspect that
21 he stated that all of a sudden he had a
22 nose bleed, credible. I just believe the
23 officer observed what he said he stated
24 he observed. And that Mr. Holden denied
25 it, which individuals arrested deny a lot

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1 MICHAEL R. COAN
2 of things.
3 Q. Was there any other evidence
4 other than the officers' observations
5 about what Mr. Holden did in the bathroom
6 in 2014?
7 MS. MILLER: Objection. Other
8 than what he's already testified
9 to?
10 MS. CONTI-COOK: Yes.
11 A. So the question is was there
12 any other evidence?
13 Q. Right.
14 A. Other than the elements of the
15 crime public lewdness?
16 Q. Let me rephrase.
17 Other than the officer's word
18 versus Mr. Holden's word, was there any
19 other evidence of lewdness happening in
20 the bathroom in 2014?
21 MS. MILLER: Objection.
22 MS. CONTI-COOK: You may state
23 an objection to form.
24 A. Was, was any other evidence,
25 the evidence would be prior arrests for